



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
231 NE FIFTH STREET
MCMINNVILLE, OR 97128

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DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A CONDITIONAL USE PERMIT TO OPERATE A BED & BREAKFAST ESTABLISHMENT WITHIN AN EXISTING HOME AT 806 SE DAVIS STREET

- DOCKET:** CU 1-19 (Conditional Use Permit)
- REQUEST:** Application for a Conditional Use Permit to operate a Bed & Breakfast establishment within an existing home.
- LOCATION:** 806 SE Davis Street (Tax Lot 1100, Section 21CC, T. 4 S., R. 4 W., W.M.)
- ZONING:** R-4 (Multi-family Residential)
- APPLICANT:** Katherine Jabuka (property owner)
- STAFF:** Tom Schauer, Senior Planner
- DATE DEEMED COMPLETE:** February 15, 2019
- HEARINGS BODY & ACTION:** The McMinnville Planning Commission makes the final decision, unless the Planning Commission's decision is appealed to the City Council.
- HEARING DATE & LOCATION:** March 21, 2019, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.
- PROCEDURE:** An application for a Conditional Use Permit is processed in accordance with the procedures in Section 17.72.120 of the Zoning Ordinance. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the Zoning Ordinance.
- CRITERIA:** The applicable criteria for a Conditional Use Permit are specified in Section 17.74.030 of the Zoning Ordinance. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

APPEAL: As specified in Section 17.72.180 of the Zoning Ordinance, the Planning Commission’s decision may be appealed to the City Council within 15 calendar days of the date the written notice of decision is mailed. The City’s final decision is subject to the 120 day processing timeline, including resolution of any local appeal.

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Their comments are provided in this document.

DECISION

Based on the findings and conclusionary findings, the Planning Commission finds the applicable criteria are satisfied with conditions and **APPROVES** the Conditional Use Permit (CU 1-19), **subject to the conditions of approval provided in Section II of this document.**

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DECISION: APPROVAL WITH CONDITIONS
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Planning Commission: _____
Roger Hall, Chair of the McMinnville Planning Commission

Date: _____

Planning Department: _____
Heather Richards, Planning Director

Date: _____

I. APPLICATION SUMMARY:

Subject Property & Request

The proposal is an application for a Conditional Use Permit (CU 1-19) to operate a bed and breakfast establishment within an existing home at 806 SE Davis Street (Tax Lot 1100, Section 21CC, T. 4 S., R. 4 W., W.M.). “Bed and breakfast establishment” is defined as: “A structure designed and occupied as a residence in which sleeping rooms and a meal are provided on a daily or weekly basis for use by travelers for a charge or fee paid for the rental or use of the facilities.” A bed and breakfast establishment is a conditionally permitted use in the R-4 zone.

The subject property is located on SE Davis Street between SE Wilson Street and SE College Avenue, to the northeast of Linfield College. The subject property and surrounding properties are zoned R-4. Uses along this section of SE Davis Street are a mix of single-family detached housing, duplexes, and multi-family housing. The subject property is developed with an existing single-family dwelling. The home, the Latourette House, is designated and classified as a Significant Historic Landmark in the City’s Historic Resources Inventory. No exterior alteration to the home is proposed, so the application doesn’t require review by the Historic Landmarks Committee. Abutting properties are duplexes to the north and south, and single-family detached across SE Davis Street to the west. Properties abutting the rear property line to the east on Ford Street are condominium multi-family developments. **See Vicinity Map (Figure 1) and Zoning Map (Figure 2) below.**

In January 2019, the property owner obtained approval for a resident-occupied short-term rental (ROSTR 5-18), which allows no more than two guest sleeping rooms for up to five guests. The applicant is requesting approval for up to four guest sleeping rooms within the existing home, which exceeds what can be authorized as a resident-occupied short-term rental. A Conditional Use Permit for a bed and breakfast establishment would authorize three or more guest sleeping rooms, for six or more guests. Therefore, the applicant is now seeking approval for a bed and breakfast establishment, which is a conditionally permitted use in the R-4 zone. The purpose of the application is to allow additional guest rooms. While short-term rentals are permitted in all residential zones, the R-4 zone is the only residential zone which authorizes bed and breakfast establishments.

By definition, a bed and breakfast is “designed and occupied as a residence.” Once approved, a bed and breakfast runs with the land as long as the use is continuous and doesn’t lapse for a period of more than one year. (A resident-occupied short-term rental is non-transferable to another owner, and the permit must be renewed annually). A bed and breakfast must continue to operate as proposed and comply with any conditions of approval. There are review and enforcement provisions that ensure ongoing compliance, and a procedure for revocation of a permit should there be non-compliance with the conditions of approval.

Summary of Criteria & Issues

The application is subject to Conditional Use criteria in Section 17.74.030 of the Zoning Ordinance, which are intended to “weigh the appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the proposed location.” The Planning Commission may impose conditions it finds necessary “to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole.” The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The nature and scale of the proposal doesn’t rise to the scale of impacting the community as a whole. The predominant issues with a conditional use of this scale relate to the interest of the surrounding area, often related to compatibility with nearby residential uses. Typical concerns associated with conditional uses in residential areas include compatibility with residential character, privacy, noise, parking, and traffic.

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The property is located on SE Davis Street, which is designated as a minor collector in the Transportation System Plan (TSP), which provides a connection between downtown McMinnville and the Linfield College Campus. This site is well-located for a bed and breakfast establishment. The nearest vacation rental is located to the northwest at the corner of SE Davis Street and Wilson Street.

The applicant is proposing to use the existing home for the bed and breakfast establishment, keeping the exterior of the home the same. **See Applicant's Site Plan (Figure 3)**. As such, there will be no changes to the physical size of the home, and the existing bedrooms will be used as guest rooms. The applicant is proposing signage consistent with the requirements for a bed and breakfast establishment. (The applicant does not intend to provide signage immediately, but may add a sign near the front of the property at a future date, consistent with the signage standards for a bed and breakfast establishment). The residential character of the property will be maintained. The lot and adjoining lots to the sides are larger lots, approximately 250 feet deep. The home on the subject property is closer to the front of the property than the homes on adjoining properties to the north and south, which provides some offset between structures, providing a configuration with some separation for privacy. There is a newly constructed fence along a portion of the north property line. The driveways of the adjoining lots run along the north and south sides of the subject property, also providing some separation. The lots also have significant tree canopy with large mature trees. The subject property is also screened from the west side of the street with large mature trees.

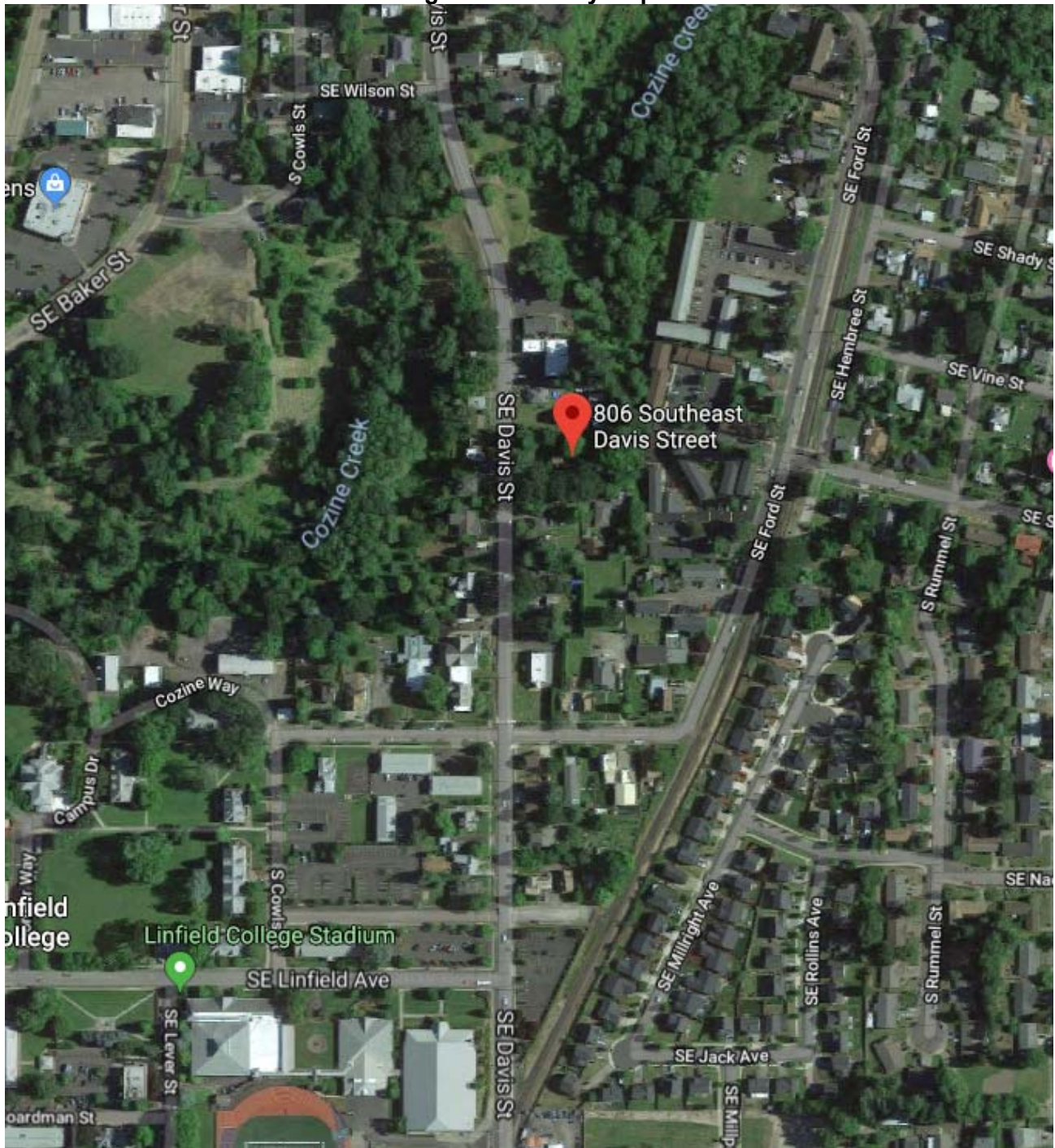
The applicant proposes the required number of off-street parking spaces, and notes that on-street parking won't be required. The proposed off-street parking includes one space within an existing garage, two "stacked" parking spaces behind that in the driveway along the south side of the house, and two perpendicular parking spaces to the front (west side) of the house. If guests are part of different parties, the stacked parking could potentially require one party to move a vehicle for another party to access a vehicle, which is manageable for a small bed and breakfast. There are no standards prohibiting stacked parking. There is also on-street parking available on SE Davis along the frontage of the property.

Overall, the increase from the current two sleeping units in the resident occupied short-term vacation rental to the proposed maximum of 4 guest rooms for the Bed & Breakfast establishment doesn't create detrimental environment impacts, and the best interest of the surrounding area and the community as a whole is protected.

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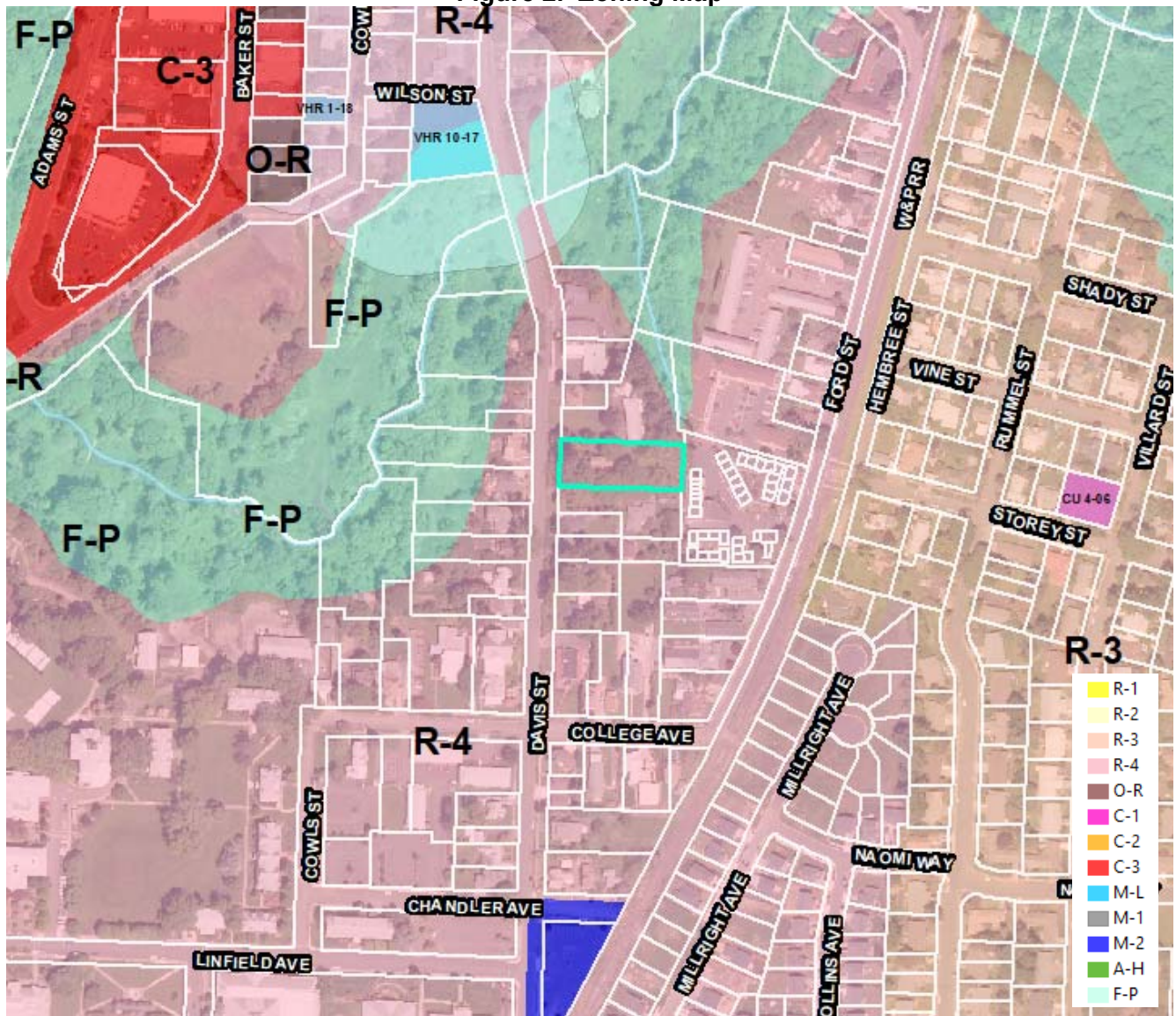
Figure 1. Vicinity Map



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Figure 2. Zoning Map



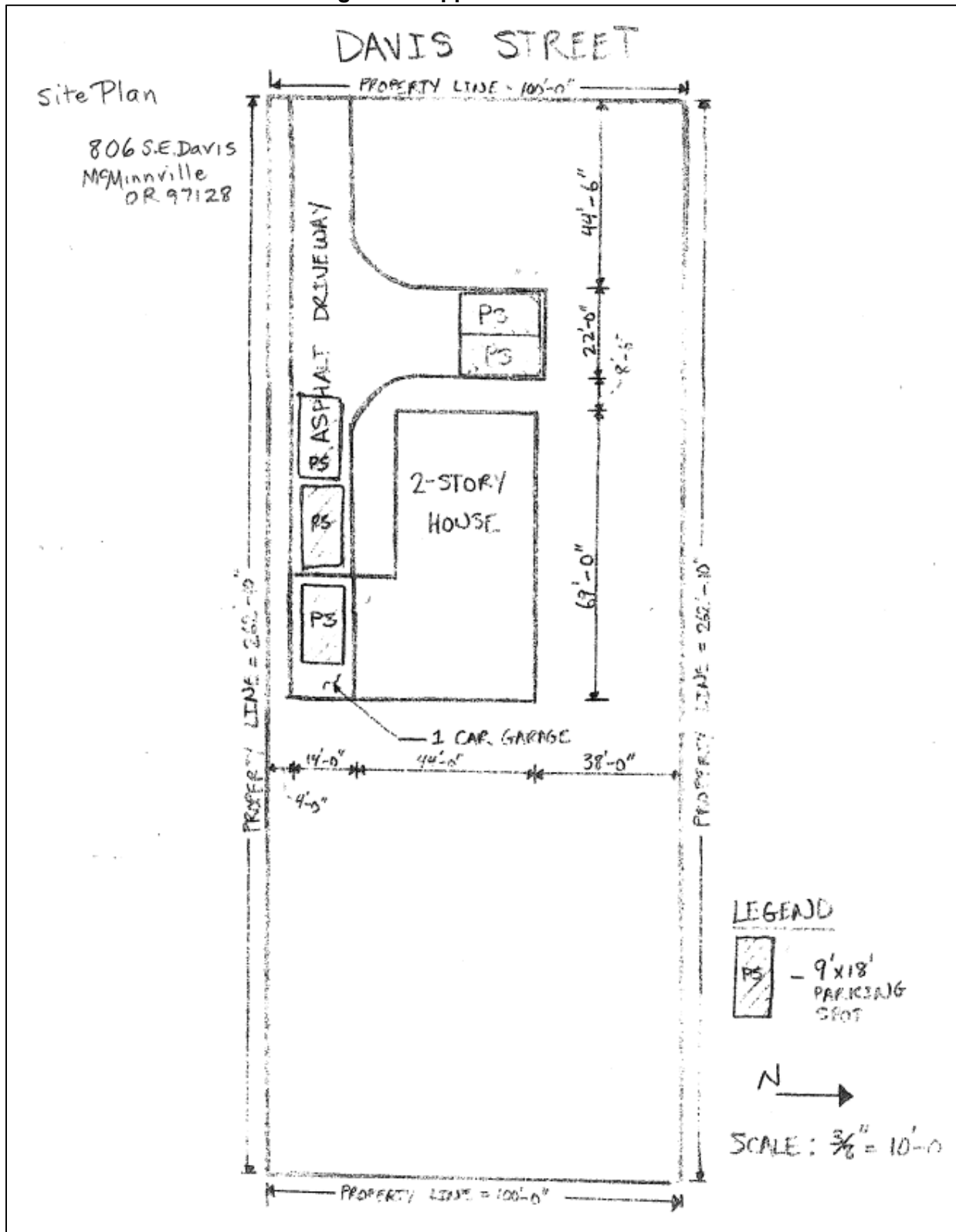
NOTE: Short-term rentals are also shown on this map.

- Short-Term Rentals
- 200-Foot Buffer from Short-Term Rentals
- Resident-Occupied Short-Term Rentals

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Figure 3. Applicant's Site Plan



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II. CONDITIONS:

1. The property shall continue to comply with the requirements for registration with the McMinnville Finance Department as a transient lodging provider. (The previous approval for a resident-occupied short-term rental previously required this registration). Local Transient Lodging tax shall be collected and remitted to the City as provided in McMinnville Ordinance No. 4974.
2. This approval is for a maximum of four guest rooms, provided on a daily or weekly basis for the use of six or more travelers or transients at any one time, in addition to the resident-occupied living quarters. Additional guest rooms would require an amendment to this Conditional Use Permit.
3. The establishment shall be occupied full-time by a resident.
4. Five off-street parking spaces shall be provided in accordance with the approved site plan. (The Zoning Ordinance requires a minimum of one off-street parking space be provided for the first two guest sleeping rooms with an additional parking space for each additional guest sleeping room. The required off-street guest parking area may be provided within 200 feet from the bed and breakfast establishment).
5. Signing shall be limited to only one non-illuminated or indirectly illuminated wooden sign not exceeding six square feet of face area. Submit an application for a sign permit before placing the sign. The signs shall be located outside of vision clearance triangle and meet other applicable sign standards.
6. Smoke detectors shall be provided per the requirements for “lodginghouses” in Ordinance 3997
7. If plumbing is modified, the existing 5/8” water meter will need to be upsized to an appropriate meter to serve the increased fixture count. *Please contact McMinnville Water & Light*
8. The permit must be renewed annually. Failure to renew the permit annually will result in the permit becoming void, and the use of the subject property as a bed and breakfast will again be subject to the application and review procedures for a Conditional Use Permit.
9. This conditional use permit approval shall be terminated if the proposed use does not commence within one year of the effective date of this approval, if the use once commenced lapses for any single period of time that exceeds one year in duration, if there is a failure to comply with conditions of approval, or for any other reason specified in Section 17.74.060 of the Zoning Ordinance. The determination for termination shall be made in accordance with the procedures in Section 17.74.060 of the Zoning Ordinance.

III. ATTACHMENTS:

1. CU 1-19 Application and Attachments (on file with the Planning Department)

IV. COMMENTS:**Agency Comments**

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The following comments were received:

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- McMinnville Engineering Department
We would note there is no sidewalk along the frontage, and the site driveway(s) do not meet current standards. Otherwise, no comments.
- McMinnville Fire Department
We have no issues for this request.
- McMinnville Water and Light
If plumbing is modified, the 5/8” meter will need to be upsized to an appropriate meter to serve the increased fixture count.

Public Comments

Notice of this request was mailed to property owners located within 200 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, March 12, 2019. As of the date of the Planning Commission public hearing on January 21, 2019, no public testimony had been received by the Planning Department.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant held a neighborhood meeting in accordance with Section 17.72.095 of the Zoning Ordinance on January 17, 2019.
2. The property owner, Katherine Jabuka, submitted the Conditional Use Permit application on January 18, 2019.
3. The application was deemed complete on February 15, 2019.
4. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas.

Comments received from agencies are addressed in the Decision Document.

5. Notice of the application and the March 21, 2019 Planning Commission public hearing was mailed to property owners within 200 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance.
6. Notice of the application and the March 21, 2019 Planning Commission public hearing was published in the News Register on Tuesday, March 12, in accordance with Section 17.72.120 of the Zoning Ordinance.

No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.

7. On March 21, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

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VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 806 SE Davis Street (Tax Lot 1100, Section 21CC, T. 4 S., R. 4 W., W.M.)
2. **Size:** 0.6 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-4
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Existing single-family dwelling, with resident-occupied short-term rental approval (ROSTR 5-18)
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** The Latourette House, built in 1890, is designated and classified as a Significant Historic Landmark in the City’s Historic Resource Inventory
 - b. **Other:** None identified.
8. **Other Features:** Generally level site with mature trees and tree canopy
9. **Utilities:**
 - a. **Water:** The property is served by a 10” water main in SE Davis Street. The treatment plant has sufficient treatment capacity.
 - b. **Sewer:** 8” sewer main in SE Davis Street. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from the use.
 - c. **Stormwater:** The site gently slopes to rear of property toward drainageway to Cozine Creek. Storm water in SE Davis Street is conveyed by curb and gutter to a catch basin and storm drain in SE Davis Street. The proposal doesn’t increase impervious site area.
 - d. **Other Services:** Other services are available to the property. Overhead utilities are present on both sides of SE Davis Street.
10. **Transportation:** SE Davis Street is classified as a Minor Collector in the Transportation System Plan (TSP). The existing right-of-way is 60 feet wide. The street is improved with curb and gutter on both sides, sidewalk and planter strip on the west side, and no sidewalk or planter strip along the property frontage on the east side. The street has two travel lanes and has on-street parking on both sides of the street, with no bike lanes. Overhead utilities are present on both sides of the street, and appear to be within the public right-of-way behind the curb and gutter on the east side.

The TSP specifies future “sharrow” markings for the travel lanes, rather than separate bike lanes, so future widening isn’t anticipated. The TSP identifies this area for future sidewalk infill. The 60-foot right-of-way would be wide enough to accommodate future sidewalks with planter strip. Overhead utility poles may affect the location of future sidewalks.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Conditional Use Permit are specified in Section 17.74.030 of the Zoning Ordinance. Section 17.74.040 addresses conditions which the Planning Commission may impose “to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole.”

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In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. “Proposals” specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

Comprehensive Plan Volume II:

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

GOAL X-1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

Policy 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

FINDING: Satisfied. The process for a conditional use permit provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville Zoning Ordinance

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) provide criteria applicable to the request:

17.74.030. Authorization to Grant or Deny Conditional Use.

A conditional use listed in this ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or in lot area, or an alteration of any structure shall conform to the requirements for conditional uses. In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

17.74.030(A). *The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;*

APPLICANT’S RESPONSE: The restored home is in an R-4 residentially designated site. It will be used as a bed and breakfast inn, providing the guests a first-hand opportunity to stay in a site of local significance. Located across from Linfield College, the original owner of the home,

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Latourette, was one of the founding fathers of the college. The home is just a short walk (1/4 mile) to the downtown area of McMinnville, and will allow guests easy access to the wide variety of businesses located on Third Street and beyond. This bed and breakfast will service the college and downtown area with revenue producing visitors.

Following the guidelines for R-4 designated property (17.21.020.O. Bed and breakfast establishment) the proposed bed and breakfast will use three or more rooms on a daily or weekly basis for the use of six or more travelers or transient at any one time.

Off-street parking will be provided, per requirements, for the guest rooms and owner/occupant. Signage will be kept to a non-illuminated or indirectly illuminated wooden sign, measuring no more than six square feet of face area.

FINDING: Satisfied with Conditions. Findings regarding consistency with the Comprehensive Plan are provided below. Objectives of the Zoning Ordinance are provided through the purpose statements in Section 17.03.020 (in general), and in Sections 17.74.030 & 040 for conditional uses. There are no separate purpose statements provided in the Zoning Ordinance for the R-4 zone. Bed & Breakfast establishments are described in the definitions, are subject to special standards specified in Section 17.21.020(Q) for the R-4 zone, and are subject to other general development standards that apply based on use and/or zoning district.

The proposal will adhere to the standards in Section 17.21.020(Q) below subject to the attached conditions:

1. That three or more guest sleeping rooms are provided on a daily or weekly basis for the use of six or more travelers or transients at any one time.
2. That a minimum of one off-street parking space be provided for the first two guest sleeping rooms with an additional parking space for each additional guest sleeping room. The required off-street guest parking area may be provided within 200 feet from the bed and breakfast establishment.
3. That signing be limited to only one non-illuminated or indirectly illuminated wooden sign not exceeding six square feet of face area.
4. That smoke detectors be provided as per the requirements for “lodginghouses” in Ordinance 3997.

17.74.030(B). *That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;*

APPLICANT’S RESPONSE: Operating as a bed and breakfast, the property will maintain the original design aesthetics of the farmhouse style. Interior renovations have been brought back to the original intent of the rooms. No external changes in size, density, or design will be made to the house that would impact the abutting properties. The house is set back approximately 75 feet from the front property line on Davis Street, and approximately 100 feet from the adjoining property in the back. Side yards are approximately 20 feet. Due to this large setback, noise from the house is not an issue to neighboring properties. The property is able to handle required

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parking with no modifications to the existing driveway or on-site parking spaces. No street parking is needed, thus no impact on street congestion.

FINDING: Satisfied. The proposed use of the existing house and parking improvements as they currently exist for a bed and breakfast establishment have minimal impact compared to the existing use

17.74.030(C). *That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;*

APPLICANT’S RESPONSE: There will be no impact to the abutting properties of the surrounding area compared to if the property was designated as “not conditional.”

FINDING: Satisfied. The R-4 zone authorizes a variety of permitted uses that could have comparatively greater impacts on the livability, value, or appropriate development of abutting properties of the surrounding area. The proposed use is of a limited size and scale that is less than impactful than could occur for more intensive permitted uses.

17.74.030(D). *The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;*

APPLICANT’S RESPONSE: The existing house is a farmhouse-styled building. No changes will be made to the home that would modify the quality of the aesthetics.

FINDING: Satisfied. The applicant proposes to maintain the building and site without a change in outward appearance, other than a small sign. The use will be conducted within the existing residence and existing off-street parking will be used as it currently exists.

17.74.030(E). *The proposal will preserve environmental assets of particular interest to the community;*

APPLICANT’S RESPONSE: No modifications are needed to the environment, topography, or vegetation for the proposed use.

FINDING: Satisfied. The existing home is an inventoried “Goal 5” resource as a Significant Historic Landmark. The exiting home will be utilized without exterior alteration. The subject property and surrounding properties have a significant amount of mature tree canopy, and that will not be impacted by the proposal, as the existing improvements will be used, with no new structures or parking areas proposed on-site.

17.74.030(F). *The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.*

APPLICANT’S RESPONSE: The use of the home as a bed and breakfast will not artificially change the property value for speculative purposes, nor create any inappropriate opportunities.

FINDING: Satisfied. The applicant previously obtained approval for a Residential-Occupied Short-Term Rental, and is capably proceeding to operate a slightly expanded small-scale resident-occupied short-term lodging use.

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17.74.040. Placing Conditions on a Conditional Use Permit.

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole. These conditions may include, but need not be limited to, the following:

- A. Limiting the manner in which the use is conducted including restrictions on the time a certain activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor;
- B. Establishing a special yard or other open space, lot area, or dimension;
- C. Limiting the height, size, or location of a building or other structure;
- D. Designating the size, number, location and nature of vehicle access points;
- E. Increasing the amount of street dedication, roadway width, or improvements within the street right-of-way;
- F. Designating the size, location, screening, drainage, surfacing, or other improvement of a parking area or truck loading area;
- G. Limiting or otherwise designating the number, size, location, height and lighting of signs;
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding;
- I. Requiring diking, screening, landscaping, or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance;
- J. Designating the size, height, location, and materials for a fence;
- K. Protecting and preserving existing trees, vegetation, water resource, wildlife habitat, or other significant natural resource;
- L. Such other conditions as will make possible the development of the City in an orderly and efficient manner in conformity with the intent and purposes set forth in this ordinance.

FINDING: Satisfied. Based on the application as proposed and submitted, together with the conditions of approval, the proposal avoids detrimental environmental impact, and the best interest of the surrounding area or the community as a whole is protected.

TS:sjs